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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,788	07/13/2001	Morihiro Sada	211205US3	1485

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

BECKER, DREW E

ART UNIT	PAPER NUMBER
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1761

8

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,788

Applicant(s)

SADA ET AL.

Examiner

Drew E Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 6-12 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that there is not an undue burden in searching both groups. This is not found persuasive because the two groups are classified in separate classes, 426 and 99 respectively, as indicated in the Restriction Requirement of paper no. 5. Furthermore, the method of group I does not require the use of a temperature sensor.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

2. Claim 11 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. Claim 6 recites the limitation "the ingredients transportation conveyer". There is insufficient antecedent basis for this limitation in the claim.

6. Claim 12 recites "by means of temperature sensor". It is not clear whether this is the same "temperature sensor" of parent claim 6.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crain [Pat. No. 1,632,176] in view of Pfleiderer et al [Pat. No. 505,175] and Wrasse [Pat. No. 5,176,124].

Crain teaches an apparatus comprising a chain, forge conveyor (Figure 1, 27) and a cooking chamber above the forge conveyor (Figure 1, 10). Crain does not teach a temperature sensor, ingredients conveyor, and an air blower. Pfleiderer et al teach an apparatus comprising a chain, ingredients conveyor (Figure 1, t-T). Wrasse teaches an apparatus comprising an air blower (Figure 1, 21) and a temperature sensor (Figure 1, 25). It would have been obvious to one of ordinary skill in the art to incorporate the ingredients conveyor of Pfleiderer et al into the invention of Crain since both are directed to cooking devices, since Crain already included a cooking chamber (Figure 1, 10), and since Pfleiderer et al teaches that the ingredients conveyor allows the food to

be removed without having to reach into the oven (page 1, lines 10-16) and thus reducing the risk of burning the operator. It would have been obvious to one of ordinary skill in the art to incorporate the temperature sensor and blower of Wrasse into the invention of Crain since both are directed to cooking devices, since Crain already included a charcoal heat source which requires a steady supply of air (page 1, lines 4 & 69), since the blower of Wrasse provides a steady amount of air to provide complete combustion (abstract), and since charcoal grills commonly included temperature sensors, such as the thermometer of Wrasse (Figure 1, 25), in order to monitor the cooking process and prevent burning.

9. Claims 7-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crain, in view of Pfeiderer et al and Wrasse, as applied above, and further in view of Nalbach [Pat. No. 2,390,455].

Crain, Pfeiderer et al, and Wrasse teach the above mentioned components. Crain, Pfeiderer et al, and Wrasse do not teach a mesh (or net) conveyor. Nalbach teaches an apparatus comprising a mesh (or net) conveyor (Figure 4, 20). It would have been obvious to one of ordinary skill in the art to incorporate the mesh (or net) conveyor of Nalbach into the invention of Crain, in view of Pfeiderer et al and Wrasse, since all are directed to cooking devices, since Crain included spaced food supports which permitted air to flow around the food (page 1, lines 77-94), since Pfeiderer et al already included a food ingredients conveyor (Figure 1, t-T), and since mesh conveyors were commonly used in cooking devices as shown by Nalbach.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crain, in view of Pfleiderer et al and Wrasse, as applied above, and further in view of Harris [Pat. No. 3,897,722].

Crain, Pfleiderer et al, and Wrasse teach the above mentioned components. Crain, Pfleiderer et al, and Wrasse do not teach a sauce applying means. Harris teaches a cooking device comprising a brush for applying sauce (Figure 1, 25). It would have been obvious to one of ordinary skill in the art to incorporate the brush of Harris into the invention of Crain since both are directed to charcoal cooking devices, since Crain was intended to be used for cooking meat (page 1, line 2), and since barbeque sauce was commonly applied to grilled meat as taught by Harris (column 1, lines 5-28).

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fakieh [Pat. No. 5,910,332] and Grebe [Pat. No. 4,487,138] teach devices with movable heat sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 703-305-0300. The examiner can normally be reached on Monday-Thursday 7am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

Drew E Becker
Examiner
Art Unit 1761



February 6, 2003